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attachment means for attaching each of said plurality of adjustable positioning units to said planer shield and temporary work surface panel at each of a like plurality of positions on said face of said shield and temporary work surface panel for positioning said adjustable foot member of each said adjustable positioning means for frictional engagement with said bathtub surface near said respective positioning of each said respective adjustable positioning units.

REMARKS

Claim 1 stands rejected under 35 U.S.C. 102 in view of variously cited prior art. Claim 1 has been amended to include limitations directed to a key distinguishing feature of the present apparatus. Claim 2 has been added to address the invention of a collection of components of the disclosed shield and temporary work surface, configured for assembly to meet a particular need (as described in the original disclosure beginning on Page 6 at line 10.

Please note that neither Mayer nor Gould teach a flexible system such as is claimed here. Mayer teaches a singular engagement device which lacks the flexibility to be positioned at the various positions on a given panel, or to a variety of differing sized or shaped panels. The inclusion of a plurality of separate adjustable positioning units, all independently attachable to the panel affords a great degree of flexibility in sizing and shaping the system for use with any size or shape of bath tub. Clearly, Gould takes an even more rigid approach, which cannot address but a narrow range of applications.

As for claim 2, the present system, with its flexibility, lends itself to on-site assembly of the final product (a "kit"). This is particularly useful for the wide variety of contexts in which the present system may be used - contexts for which a manufacturer could not cost-effectively stock

sufficient varieties of configurations. Providing the present system in kit form, for on-site configuration addresses this problem, no where solved in the known prior art.

In view of the above comments, it is submitted that Claims 1 - 2, as amended, are in a condition for allowance.

Reconsideration and withdrawal of the rejections and objections are hereby requested.

Allowance of Claims 1 -2 at an early date is solicited.

If impediments to allowance of Claims 1 - 2 remain and a telephone conference between the undersigned and the examiner would help remove such impediments in the opinion of the examiner, a telephone conference is respectfully requested.

Respectfully submitted,



David G. Henry
Registration No. 32,735
900 Washington Ave.
P.O. Box 1470
Waco, TX 76703-1470
(254) 755-4234
(254) 754-6331 (Fax)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Amended) A combination bathtub protection and temporary scaffold system comprising:
a substantially planer shield and temporary work surface panel sized and shaped to substantially overlay the entirety a portion of a bathtub to be protected; and
a plurality of an adjustable positioning unit units reversibly attached to a face of said shield and temporary work surface panel which each include includes a bracket member for attachment to said set shield and temporary work surface panel and for supporting and orienting oriented and an adjustable foot member for frictional engagement with a bathtub surface at a like plurality of locations near a margin of said shield and work surface panel, each said adjustable foot member including a threaded rod which is threadingly engaged with said bracket member near one end of said threaded rod and having a foot pad member attached to the other end of said threaded rod.

2. (New) A kit for constructing a combination bathtub protection and temporary scaffold system comprising:
a substantially planer shield and temporary work surface panel sized and shaped to substantially overlay a portion of a bathtub to be protected; and
a plurality of adjustable positioning units for attachment to a face of said shield and temporary work surface panel which each include a bracket member for attachment to said shield and temporary work surface panel and for supporting and orienting an adjustable foot member for frictional engagement with a bathtub surface, each said

adjustable foot member including a threaded rod which is threadingly engaged with
said bracket member near one end of said threaded rod and having a foot pad member
attached to the other end of said threaded rod;
attachment means for attaching each of said plurality of adjustable positioning units to said
planer shield and temporary work surface panel at each of a like plurality of positions
on said face of said shield and temporary work surface panel for positioning said
adjustable foot member of each said adjustable positioning means for frictional
engagement with said bathtub surface near said respective positioning of each said
respective adjustable positioning units.

The proposed reply filed on 5.15.03 has not been entered because it is unsigned.

Since the above mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME LIMIT MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin Chin-Shue
Primary Examiner